



THE TEXAS HOUSE OF REPRESENTATIVES

FRED HILL

CHAIRMAN, COMMITTEE ON URBAN AFFAIRS

Ms. Madeleine B. Johnson
Chair, Opinion Committee
Office of the Attorney General
PO Box 12548
Austin, Texas 78711-2548

April 28, 1993

Dear Ms. Johnson,

I would like to request that your committee issue an opinion regarding a situation that was brought to my attention as Chairman of the House Committee on Urban Affairs.

A complaint was recently submitted to the Civil Service Commission of the City of DeSoto, Texas, regarding the reinstatement of a police officer by that city's chief of police. In the course of the Commission's investigation, several legal questions were raised.

1. Under Chapter 143 of the Texas Local Government Code, may a police officer resign his commission with the City of DeSoto, serve as a commissioned police officer with the City of Highland Park, then rescind his resignation and be reinstated by the City of DeSoto?
2. May the police chief and acting city manager of the City of DeSoto reinstate the police officer to classified service by any method other than appointment from an eligibility list for police officers certified by the Civil Service Commission?
3. Is the investigation of this matter and the subsequent report issued by the City of DeSoto's Civil Service Commission within that Commission's jurisdiction?
4. Is a police officer who was not appointed to his commission in accordance with Chapter 143 entitled to Civil Service Status? If he is not entitled to Civil Service Status, who or what body has the power to remove him?
5. If the person or body who has the authority to remove a police officer not appointed in accordance with Chapter 143 does not act to remove the police officer, has that person or body violated Chapter 143?
6. What person or body has the authority to enforce Chapter 143?

These answers are needed before the City of DeSoto can take any action in this case, so there

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Opinion Committee

is some urgency regarding this request. Please contact my office if you need further clarification of the questions at hand, or if I can do anything to expedite the opinion process.

I appreciate your help.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Hill", written over a printed name.

FH/mm